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PTO/SB/64 (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

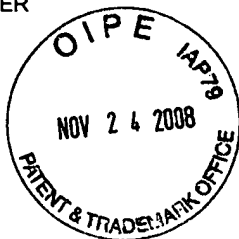
Docket Number (Optional)
P21059US3

First named inventor: Stephen GEYER

Application No.: 10/578,435

Filed: May 5, 2006

Title: Turbo-Charger Surge Protection



Art Unit:

Examiner:

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1620.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Inventor Declaration and \$130.00 Surcharge (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Martin Farrell

Signature

Nov. 21, 2008

Date

Martin Farrell

Typed or printed name

35,506

Registration Number, if applicable

Volvo Corporate Patents

Address

336 393 2270

Telephone Number

7825 National Service Road, Greensboro, NC 27409

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Inventor Declaration**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.November 21, 2008

Date

Tobie Worley

Signature

Tobie Worley

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stephen GEYER, et al.

Application No.: 10/578,435

Filed: May 5, 2006

For: Turbo-Charger Surge Detection

Examiner: Not assigned

Art Unit: Not assigned

**STATEMENT ACCOMPANYING PETITION UNDER 37 CFR 1.137(B)
TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION**

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants petition for the revival of the above-identified application, which became abandoned as a matter of law April 20, 2007. This statement sets for the facts leading to the unintentional abandonment.

The application was filed May 5, 2006. Applicants were represented by another attorney at that time. In January 2007, the Assignee and owner of the application, Mack Trucks, Inc., decided to bring the prosecution work to its in-house patent counsel. The then current attorney of record was instructed to box and ship all the files belonging Mack Trucks to the undersigned. Upon receipt, the file data were entered into a docket system, the files were reviewed for any needed actions, and changes of power of attorney and address were prepared and filed with the USPTO. This process involved several different shipments of boxes received and handled over several weeks.

Due to clerical error, however, a small number of files were mishandled, resulting in incorrect entry in the docket system and in deficiencies not being correctly noted. Upon the first discovery of such an error in late 2007, the undersigned instituted docket integrity checks to discover other mishandled files. These checks have continued and most errors have been discovered in time to act on them. Two applications, this and another, have gone abandoned because of the chain of events beginning with the clerical error.

A docket check in July 2008, revealed that the new Power of Attorney and Change of Address had not been filed in this case, which was immediately corrected by a July 28, 2008, filing. A Notice of Acceptance of Power of Attorney was mailed by the Office August 14, 2008. It was not noted at the time that the Declaration had not been filed.

The Notification of Missing Requirements for this case was mailed March 14, 2007, but was addressed to the previous attorney of record as the correspondence address change had not yet been filed. It is not known if this was actually received by that attorney, or if that attorney received and forwarded the Notification, but no copy has ever been received by the undersigned. This occurred at around the time or after the file for the case had been shipped to the undersigned.

The Notice of Abandonment was mailed December 17, 2007, and was also addressed to the attorney then currently of record. Again, it is not known if the Notice was actually received by that attorney, or if that attorney received and forwarded the Notice, but the undersigned did not receive the Notice or a copy of the Notice.

The Notice of Abandonment was discovered during a file check done on or about November 15, 2008, which itself was triggered by the discovery of an outstanding office action in another application in which the change of correspondence address was apparently not entered by the Office.

The undersigned states that the entire delay in providing the required reply from the due date for the reply until the filing of this petition pursuant to 37 CFR 1.137(b) was unintentional, and petitions for revival of the application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Martin Farrell", written in dark ink.

Martin Farrell

Registration No. 35,506

Volvo Corporate Patents
7825 National Service Road
Mail Stop AP1-3/41
Greensboro, North Carolina 27409
336.393.2270